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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

ROSA ISELA RIVERA,

Plaintiff,

vs.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

Civil No. 1:23-cv-00900-JLT-BAM

STIPULATION AND ORDER FOR
EXTENSION OF TIME TO FILE THE
ELECTRONIC CERTIFIED
ADMINISTRATIVE RECORD AS THE
ANSWER TO PLAINTIFF'S COMPLAINT

Pending the Court's approval, the parties stipulate through their respective counsel of record that Defendant, the Acting Commissioner of Social Security (the "Commissioner"), shall have a forty-five (45) extension of time to respond to Plaintiff's Complaint in this case from August 14, 2023, up to and including September 28, 2023. In support of this request, the Commissioner respectfully states as follows:

1. Defendant's response to Plaintiff's Complaint is due to be filed by August 14, 2023.

Defendant has not previously requested an extension of this deadline.

2. In accordance with the Federal Rules of Civil Procedures, recently amended to add Supplemental Rules for Social Security review cases under 42 U.S.C. § 405(g), the Commissioner files a certified administrative record (CAR) as the Answer to a Complaint for review. Counsel for the Commissioner has been informed by the client agency, which is the Social Security Administration, Office of Appellate Operations, that the CAR is not fully prepared in this matter. The client agency therefore needs more time to prepare the CAR for the Court's review. Accordingly, Defendant requests an extension of 45 days to respond to Plaintiff's Complaint.
3. Counsel for the Commissioner has consulted with Plaintiff's counsel who advised that he has no objections to this extension request.
4. This request is made in good faith and is not intended to delay the proceedings in this matter.

WHEREFORE, Defendant requests until September 28, 2023, to respond to Plaintiff's Complaint.

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DATE: August 10, 2023

Respectfully submitted,

Pena & Bromberg, Attorneys at Law
/s/ Jonathan Omar Pena*
JONATHAN OMAR PENA
Attorney for Plaintiff
(*as authorized via email on August 7, 2023)

PHILLIP A. TALBERT
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MATHEW W. PILE
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Social Security Administration

DATE: August 10, 2023

By s/ Justin L. Martin
JUSTIN L. MARTIN
Special Assistant United States Attorney

Attorneys for Defendant

ORDER

Pursuant to the parties' stipulation, and good cause appearing, Defendant's request for an extension of time to respond to Plaintiff's Complaint is GRANTED. Defendant shall respond to Plaintiff's Complaint on or before September 28, 2023. All other deadlines in the Court's Scheduling Order are modified accordingly.

IT IS SO ORDERED.

Dated: August 10, 2023

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE